

REMARKS

Priority

The Examiner has requested amendment of the specification to correctly recite the priority claim. The Examiner is advised that amendment of the specification to recite the appropriate priority claim was requested in the Transmittal of the application, *i.e.*, item no. 10, filed November 25, 2003.

Election/Restrictions

The Examiner has restricted the claims in the application to three Groups as follows:

Group I: claims 1-36 and 46-63, directed to an isolated chimeric RSV, classified in class 534, subclass 235.1;

Group II: claims 37-45, directed to methods for stimulating an immune response against RSV comprising administration of a chimeric RSV, classified in claim 424, subclass 211.1; and

Group III: claims 64 and 65, directed to methods for producing an infectious chimeric RSV virus particle, classified in class 435, subclass 69.1.

Applicants hereby elect the claims of Group I, claims 1-36 and 46-63 for initial examination in the present application.

This election is made with traverse. Applicants submit that, should allowable subject matter be found in the claims of Group I, the Examiner should rejoin claims of Groups II and III, which are directed to methods of use and of making the composition described by the claims of Group I, provided that the claims of Group II and of Group III are commensurate in scope with allowable subject matter in Group I. MPEP 824.01.

The Examiner has further required an election of species among the viruses described in the claims of Group I for initial examination and search. Applicants provide election of species as follows:

The RSV from which the heterologous sequence is to be derived from those listed in claim 3 - bovine PIV;

The protein to be modified as listed in claim 4 - P;

The function of the modification as identified in claim 22 - attenuation;

The gene to be modified in claim 24 - M2ORF2;

The "further modification selected from:" - the inclusion of an additional mutation as in claim 12, the additional modification being one or a combination of mutations as in claim 14, the modification as in claim 14 being the combination of mutation of Glu₈₃₁ and Tyr₁₃₂₁.

The Examiner is reminded that this election of species is made for purposes of initial search only. This election is made with the understanding that, if the Examiner fails to find prior art rendering the species unpatentable, the Examiner will proceed to search additional species with an eye toward determining patentability of the generic claims.


Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Mark J. Nuell, Registration No 36,623 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

- ☒ Attached is a Petition for Extension of Time.
- ☒ Attached hereto is the fee transmittal listing the required fees.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: December 7, 2006

Respectfully submitted,

By 
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